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FEDERAL JURY CONVICTS TWO MEN IN TEXAS ON DISTRIBUTION OF OBSCENE MATERIAL CHARGES

WASHINGTON, DC – Two defendants – Clarence Thomas “Tom” Gartman and former Houston Police Officer Brent Alan McDowell – have been convicted by a federal jury in Dallas for their part in the operation of a business that sold obscene videos on the Internet, Assistant Attorney General Alice S. Fisher of the Justice Department’s Criminal Division and U.S. Attorney Richard B. Roper of the Northern District of Texas announced today. A third defendant, Lou Anthony Santilena, was acquitted.

Gartman, 35, was convicted today on one count of conspiracy to distribute obscene materials and one count of mailing obscene materials and aiding and abetting. McDowell, 37, was convicted of one count of mailing obscene matter and aiding and abetting. The defendants were charged in an indictment returned by the grand jury in May 2004.

Gartman could face a maximum statutory sentence of 10 years in prison and a \$500,000 fine. McDowell faces a possible maximum statutory sentence of five years in prison and a \$250,000 fine. They are scheduled to be sentenced by the Honorable Barefoot Sanders, U.S. District Judge, on June 15, 2006. Gartman and McDowell are both U.S. citizens who were living in Canada at the time of the indictment. They both currently reside in Las Vegas, Nevada. Both Gartman and McDowell remain on bond until sentencing.

The government provided evidence at trial that beginning in 1998, Gartman and McDowell maintained a Web site on the Internet, “forbiddenvideos.com.” The Web site was used to advertise and distribute obscene videos by VHS cassettes, CD-Roms, and streaming video, depicting rape scenes, sexual torture and urination and defecation in conjunction with sex acts. The government presented evidence at trial that the defendants posted graphic descriptions of the material on the Web site. The obscene videos ordered from the Web site were initially sent by U.S. mail and U.S. Postal Service from locations within the Northern District of Texas. Later, the defendants also distributed the obscene videos through a collection of Web sites managed from the Northern District and elsewhere, which enabled customers in the United States and throughout the world to download obscene digital video images or to view digital streaming video. Customers of the “forbiddenvideos.com” Web site, or related sites, would place orders and pay for the obscene videos by check, credit card or through a PayPal Account.

The defendants’ Web site operation was identified during an investigation into similar activities by Garry Layne Ragsdale and his wife, Tamara Michelle Ragsdale. Gartman and the Ragsdales were partners in a business distributing obscene videos until a dispute arose between them, in early 1998, which dissolved the partnership. The Ragsdales were convicted in federal court in Dallas on Oct. 23, 2003, on obscenity charges related to the obscene video business they conducted after their partnership with Gartman ended. On March 5, 2004, U.S. District Judge Sidney A. Fitzwater sentenced Garry Ragsdale to 33 months in prison and Tamara Ragsdale to

30 months in prison. Their convictions were upheld by the Fifth Circuit Court of Appeals last year. The U.S. Supreme Court declined to review the Ragsdales' case in February 2006.

U.S. Attorney Roper said, "With these convictions, six defendants in three different cases have been convicted in the Northern District of Texas in recent months of distributing obscene material. We will continue to work closely with the Criminal Division's Child Exploitation and Obscenity Section and the Obscenity Prosecution Task Force to ensure that those who traffic in obscenity are brought to justice."

The case was investigated by the Federal Bureau of Investigation, U.S. Postal Inspection Service and the Dallas Police Department, with the assistance of the Canadian Border Services Agency and the Lethbridge, Canada, Police Department. The case was prosecuted by Assistant U.S. Attorney Linda C. Groves and Trial Attorney Richard D. Green of the Obscenity Prosecution Task Force. The task force was established last year by the Justice Department Criminal Division to focus on the prosecution of adult obscenity nationwide.

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